

## **REMARKS**

Claims 1-25 and 28-34 are pending in the present application. By this Response, claims 1, 21, 25 and 28 are amended, and claims 26 and 27 are canceled. In view of the foregoing amendments and following remarks, Applicants respectfully request reconsideration and allowance of the application.

### **35 U.S.C. § 112 CLAIM REJECTIONS**

Claims 1, 21, 25 and 28 were rejected under 35 U.S.C. § 112 as providing insufficient antecedent basis for the limitation "consulting stored data comprising a plurality of prediction points ...". Claims 1, 21, 25 and 28 have been amended, and it is believed that the rejection has been overcome. Applicants also direct the Examiner's attention to the specification at, for example, p.7, lines 6-12, and p.8, lines 19-23, which provides examples of the data in question being programmed or pre-determined. Accordingly, Applicants request that the Examiner withdraw the rejection.

### **Prior Art Rejections**

Claims 1-9, 17, 19, 21, 25 and 28-29 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,192,240 to Tayloe et al. (Tayloe) in view of U.S. Patent No. 6,721,572 to Smith et al. (Smith). The Applicant traverses this rejection and respectfully asserts that Tayloe and Smith do not satisfy a *prima facie* case of obviousness because all of the claimed limitations are not disclosed, taught or suggested by the references or rendered obvious by market forces present at the time the claimed invention was made.

With specific regard to claim 1, 21, 25 and 28, the cited references do not disclose or suggest data **stored** on a communication device or network, wherein the data includes a plurality of **predetermined** prediction points and each prediction point is **separated** from an interruption point of a **no-coverage zone**, as claimed.

The Examiner acknowledges that Tayloe does not disclose consulting data comprising a plurality of predetermined prediction points and cites to Smith at columns 1, 2, 3 and 11 as allegedly providing the teaching absent from Tayloe (Office Action p. 3-4). However, Smith does not cure the defects of Tayloe. For example, the database of Smith is limited to storage of the boundaries of the dead zones themselves, whereas the rejected claims provide for predetermined and stored prediction points that are separated from the claimed no-coverage

zones. For at least the foregoing reasons, claims 1, 21, 25 and 28 are patentable over Tayloe and Smith.

Claims 2-9, 17, 19 and 29 depend from claims 1 and 28, and therefore also recite patentable subject matter. Accordingly, Applicants request that the Examiner withdraw the instant rejection.

Claims 10-16, 18, 20, 22-24 and 30-32 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Tayloe in view of Smith as applied to claims 1, 12 and 15 and in further view of U.S. Patent No. 5,995,830 to Amin et al. (Amin). The Applicant traverses this rejection and respectfully asserts that Tayloe, Smith and Amin do not satisfy a *prima facie* case of obviousness because all of the claimed limitations are not disclosed, taught or suggested by the references or rendered obvious by market forces present at the time the claimed invention was made.

Concerning claims 1, 21 and 28, from which the rejected claims depend, the cited references do not support the asserted rejection for at least the reason that they do not disclose or suggest data **stored** on a communication device or network, wherein the data includes a plurality of **predetermined** prediction points and each prediction point is **separated** from an interruption point of a **no-coverage zone**. As discussed above, Tayloe and Smith do not disclose the limitation. The defect of Tayloe and Smith is also not cured by Amin. Rather, Amin teaches a wireless network reconnecting or attempting to reconnect an interrupted call and demonstrates no appreciation for predetermined or stored prediction points. For at least the foregoing reason, claims 10-16, 18, 20, 22-24 and 30-32 are patentable over the Tayloe, Smith and Amin. Accordingly, Applicants request that the Examiner withdraw the instant rejection.

Claims 33 and 34 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Tayloe in view of Smith and in further view of U.S. Patent No. 6,047,280 to Ashby et al. (Ashby). Applicant traverses this rejection and respectfully asserts that Tayloe, Smith and Ashby do not satisfy a *prima facie* case of obviousness because all of the claimed limitations are not disclosed, taught or suggested by the references or rendered obvious by market forces present at the time the claimed invention was made.

Concerning claim 1, from which the rejected claims depend, the cited references do not disclose or suggest data stored on a communication device, wherein the data includes a plurality of predetermined prediction points, and each prediction point is separated from an

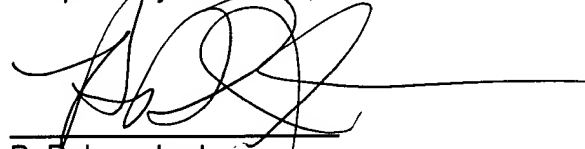
interruption point of a no-coverage zone. As discussed above, Tayloe and Smith do not disclose the limitation. The defect of Tayloe and Smith is not cured by Ashby. Rather, Ashby is limited to data access interface layers for navigation systems and makes no mention of communication no coverage zones or prediction points separated from an interruption point of a no-coverage zone.as claimed. For at least the foregoing reason, claims 33 and 34 are patentable over the Tayloe, Smith and Ashby. Accordingly, the Applicant requests that the Examiner withdraw the instant rejection.

**CONCLUSION**

The Examiner is invited to contact the undersigned at (202) 220-4200 to discuss any matter concerning this application. Applicants assert that the claims are in condition for allowance and respectfully request that the Examiner pass this case to issue at the Examiner's earliest convenience.

Applicants authorize payment of any additional fees under 37 CFR §§ 1.16 or 1.17 or credit any overpayment to Deposit Account No. 11-0600.

Respectfully submitted,

  
B. Delano Jordan  
Registration No. 43,498

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KENYON & KENYON LLP  
1500 K Street, N.W. – Suite 700  
Washington, D.C. 20005-1257  
Tel: (202) 220-4200  
Fax: (202) 220-4201